

ENTERED

June 29, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

| | |
|---------------------------------------|--------------------------------|
| FIMBANK PLC, <i>et al</i> , | § |
| | § |
| Plaintiffs, | § |
| VS. | § CIVIL ACTION NO. 2:19-CV-264 |
| | § |
| DISCOVERY INVESTMENT CORP., <i>et</i> | § |
| <i>al</i> , | § |
| | § |
| Defendants. | § |

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

On May 21, 2020, United States Magistrate Judge Julie K. Hampton issued her Memorandum and Recommendation (D.E. 141), recommending that this Court deny SPV Sam Eagle, Inc.’s “Motion to Dismiss Attachment and Motion to Dismiss” (D.E. 17), deny its separate “Motion to Dismiss” (D.E. 19), and find that this Court had jurisdiction to maintain the vessel attachment at issue in this case.

The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed. Instead, the parties have since agreed to this Court’s entry of its Order for Interlocutory Sale of Vessel (D.E. 144). *See* D.E. 142.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and

recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's Memorandum and Recommendation (D.E. 141), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the "Motion to Dismiss Attachment and Motion to Dismiss" (D.E. 17) and "Motion to Dismiss" (D.E. 19) are **DENIED**. The Court further **FINDS** that FIMBANK has shown reasonable grounds at this stage to maintain the attachment based on an alter ego relationship between Defendants and that jurisdiction is proper.

ORDERED this 29th day of June, 2020.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE